

Alan Nakazawa, State Bar No. 84670
Dena S. Aghabeg, State Bar No. 185311
COGSWELL NAKAZAWA & CHANG, LLP
444 West Ocean Boulevard, Suite 1250
Long Beach, California 90802-8131
Telephone (562) 951-8668
Facsimile: (562) 951-3933

Attorneys for Defendants
KAWASAKI KISEN KAISHA, LTD. and
"K" LINE AMERICA, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THE CONTINENTAL INSURANCE
COMPANY, a corporation,

Plaintiff,

vs.

KAWASAKI KISEN KAISHA, LTD.
D/B/A "K" LINE, a foreign corporation; "K"
LINE AMERICA, INC., a foreign
corporation; and DOE ONE through DOE
TEN,

Defendants.

CASE NO.: 07-cv-06148 WHA

NOTICE OF MOTION OF DEFENDANTS
KAWASAKI KISEN KAISHA, LTD. AND
"K" LINE AMERICA, INC. TO DISMISS
PURSUANT TO THE TOKYO DISTRICT
COURT FORUM SELECTION CLAUSE IN
THE BILL OF LADING

Filed concurrently herewith:
Memorandum of Points and Authorities;
Declarations of Sherry Johnson and Sharon
Morris; [PROPOSED] ORDER

Date: April 17, 2008
Time: 8:00 a.m.
Location: 450 Golden Gate Ave.
San Francisco, CA
Courtroom 9, 19th Floor
Honorable William Alsup

1 TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on April 17, 2008 at 8:00 a.m., or as soon
3 thereafter as counsel may be heard, in the Courtroom of the Honorable William Alsup, United
4 States District Judge, 450 Golden Gate Avenue, San Francisco, California, Defendants Kawasaki
5 Kisen Kaisha, Ltd. and "K" Line America, Inc. will and hereby do move the Court for an order
6 dismissing the within action pursuant to the Tokyo District Court forum selection clause in the
7 applicable bills of lading.

8 The Court should grant the Motion to Dismiss on the grounds that the bills of
9 lading issued by Kawasaki Kisen Kaisha, Ltd. covering the carriage of the shipments of goods
10 explicitly provides that any action brought under the bills of lading and/or in respect to the
11 carriage of cargo shall be brought before the Tokyo District Court.

12 This Motion is based upon this Notice, the Memorandum of Points and
13 Authorities, the declarations of Sherry Johnson, and Sharon Morris, with exhibits, the [proposed]
14 order, the pleadings and documents on file herein, any further pleadings, memoranda, exhibits
15 and declarations submitted in support hereof, and oral argument as may be presented at the
16 hearing on this motion.

17
18 Dated: March 13, 2008

COGSWELL NAKAZAWA & CHANG, LLP

19
20 By /s/ Alan Nakazawa
Alan Nakazawa
21 Dena S. Aghabeg
Attorneys for Defendants KAWASAKI KISEN
22 KAISHA, LTD. and "K" LINE AMERICA, INC.
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on March 13, 2008, a copy of the foregoing **NOTICE OF MOTION OF DEFENDANTS KAWASAKI KISEN KAISHA, LTD. AND "K" LINE AMERICA, INC. TO DISMISS PURSUANT TO THE TOKYO DISTRICT COURT FORUM SELECTION CLAUSE IN THE BILL OF LADING** was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system:

Jonathan Will Thames
ARCHER NORRIS
jthames@archernorris.com
kloyd@archernorris.com

James Jin-Woo Jirn
ARCHER NORRIS
jjirn@archernorris.com

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: March 13, 2008

/s/ Alan Nakazawa
Alan Nakazawa